

06 CV 2619

CLOSED

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:05-cv-00423-DFH-TAB
Internal Use Only**

CMG WORLDWIDE, INC. et al v. BRADFORD
LICENSING ASSOCIATES et al
Assigned to: Judge David Frank Hamilton
Referred to: Magistrate Judge Tim A. Baker
Cause: 15:1121 Trademark Infringement

Date Filed: 03/23/2005
Jury Demand: Plaintiff
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

CMG WORLDWIDE, INC.
an Indiana Corporation

represented by **Amy L. Wright**
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FILED
U.S. DISTRICT COURT
2006 APR -4 AM 8:28
S.D. OF N.Y.



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Plaintiff

MARILYN MONROE, LLC
a Delaware Limited Liability Company

represented by **Amy L. Wright**
(See above for address)
ATTORNEY TO BE NOTICED

J. Lee McNeely
(See above for address)
ATTORNEY TO BE NOTICED

Jonathan G. Polak
(See above for address)
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V.

Defendant

**BRADFORD LICENSING
ASSOCIATES**

represented by **Hamish S. Cohen**
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ATTORNEY TO BE NOTICED

Defendant

**THE SHAW FAMILY ARCHIVES,
Ltd.**
a New York Corporation

represented by **Hamish S. Cohen**
(See above for address)
ATTORNEY TO BE NOTICED

James M. Hinshaw
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

JAMES E. DOUGHERTY

Defendant

VALHALLA PRODUCTIONS, LLC
a Maine Limited Liability Company

(Added per Amended Complaint of
6/21/05)

Date Filed	#	Docket Text
03/23/2005	<u>1</u>	COMPLAINT against JAMES E. DOUGHERTY, BRADFORD LICENSING ASSOCIATES, and THE SHAW FAMILY ARCHIVES, Ltd. with Jury Demand, filed by CMG WORLDWIDE, INC., MARILYN MONROE, LLC. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(DH,) (Entered: 03/24/2005)
03/23/2005	<u>2</u>	CIVIL COVER SHEET filed by Plaintiffs, CMG WORLDWIDE, INC. and MARILYN MONROE, LLC. (DH,) (Entered: 03/24/2005)
03/23/2005	<u>4</u>	RECEIPT #108 1213 in the amount of \$ 250.00 for the filing fee (DMW,) (Entered: 03/24/2005)
03/23/2005	<u>5</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued (DMW,) (Entered: 03/24/2005)
03/23/2005	<u>6</u>	CORPORATE DISCLOSURE STATEMENT by CMG WORLDWIDE, INC. and MARILYN MONROE, LLC. (DMW,) (Entered: 03/24/2005)
03/23/2005	<u>7</u>	Summons Issued as to Defendants, JAMES E. DOUGHERTY, BRADFORD LICENSING ASSOCIATES and THE SHAW FAMILY ARCHIVES, Ltd.. (DMW,) (Entered: 03/24/2005)
03/23/2005	<u>8</u>	NOTICE of Appearance filed by Jonathan G. Polak on behalf of Plaintiffs, CMG WORLDWIDE, INC. and MARILYN MONROE, LLC (DMW,) (Entered: 03/24/2005)
03/24/2005	<u>3</u>	NOTICE of Appearance by James Braden Chapman, II on behalf of CMG WORLDWIDE, INC., MARILYN MONROE, LLC (Chapman, James) (Entered: 03/24/2005)
03/28/2005	<u>9</u>	NOTICE of Appearance by J. Lee McNeely on behalf of CMG WORLDWIDE, INC., MARILYN MONROE, LLC (McNeely, J.) (Entered: 03/28/2005)
03/29/2005	<u>10</u>	RETURN of Service by CMRRR by CMG WORLDWIDE, INC., MARILYN MONROE, LLC. BRADFORD LICENSING ASSOCIATES served on 3/26/2005. (Polak, Jonathan) (Entered: 03/29/2005)
03/31/2005	<u>11</u>	RETURN of Service by CMRRR by CMG WORLDWIDE, INC., MARILYN MONROE, LLC. JAMES E. DOUGHERTY served on 3/28/2005. (Polak, Jonathan) (Entered: 03/31/2005)
03/31/2005	<u>12</u>	RETURN of Service by CMRRR by CMG WORLDWIDE, INC., MARILYN MONROE, LLC. THE SHAW FAMILY ARCHIVES, Ltd. served on 3/28/2005. (Polak, Jonathan) (Entered: 03/31/2005)
04/15/2005	<u>13</u>	NOTICE of Appearance by James M. Hinshaw on behalf of BRADFORD LICENSING ASSOCIATES (Hinshaw, James) (Entered:

		04/15/2005)
04/15/2005	● <u>14</u>	NOTICE of Parties Initial Extension of Time to 5/20/2005 respond to pltf's complaint, filed by BRADFORD LICENSING ASSOCIATES. (Hinshaw, James) Modified on 4/18/2005 (LSC,). (Entered: 04/15/2005)
04/15/2005	● <u>15</u>	CORPORATE DISCLOSURE STATEMENT by BRADFORD LICENSING ASSOCIATES. (Hinshaw, James) (Entered: 04/15/2005)
04/15/2005	● <u>16</u>	NOTICE of Appearance by Hamish S. Cohen on behalf of BRADFORD LICENSING ASSOCIATES (Cohen, Hamish) (Entered: 04/15/2005)
04/19/2005	● <u>17</u>	NOTICE of Appearance by James M. Hinshaw on behalf of THE SHAW FAMILY ARCHIVES, Ltd. (Hinshaw, James) (Entered: 04/19/2005)
04/19/2005	● <u>18</u>	NOTICE of Appearance by Hamish S. Cohen on behalf of THE SHAW FAMILY ARCHIVES, Ltd. (Cohen, Hamish) (Entered: 04/19/2005)
04/19/2005	● <u>19</u>	NOTICE of Parties' First Extension of Time by THE SHAW FAMILY ARCHIVES, Ltd. (Cohen, Hamish) (Entered: 04/19/2005)
04/20/2005	● <u>20</u>	NOTICE by THE SHAW FAMILY ARCHIVES, Ltd. <i>Corporate Disclosure Statement</i> (Cohen, Hamish) (Entered: 04/20/2005)
05/03/2005	● <u>21</u>	NOTICE of Appearance by Amy L. Wright on behalf of all plaintiffs (Wright, Amy) (Entered: 05/03/2005)
05/04/2005	● <u>22</u>	SCHEDULING ORDER: Initial Pretrial Conference set for 7/8/2005 01:00 PM in room #277 before Magistrate Judge William T. Lawrence. Signed by Judge William T. Lawrence on 05/04/2005. c/m WTL (TMA,) (Entered: 05/04/2005)
05/05/2005	● <u>23</u>	Summons (Alias - Amended) as to deflt THE SHAW FAMILY ARCHIVES, Ltd. (LSC,) (Entered: 05/05/2005)
05/20/2005	● <u>24</u>	MOTION to Dismiss <i>Plaintiffs' Complaint for Lack of Personal Jurisdiction</i> by BRADFORD LICENSING ASSOCIATES. (Attachments: # <u>1</u> Text of Proposed Order)(Cohen, Hamish) (Entered: 05/20/2005)
05/20/2005	● <u>25</u>	BRIEF/MEMORANDUM in Support re <u>24</u> MOTION to Dismiss <i>Plaintiffs' Complaint for Lack of Personal Jurisdiction</i> filed by BRADFORD LICENSING ASSOCIATES. (Attachments: # <u>1</u> Exhibit 1 (Affidavit of Len Reiter)# <u>2</u> Exhibit A, Part 1# <u>3</u> Exhibit A, Part 2# <u>4</u> Exhibit A, Part 3# <u>5</u> Exhibit B# <u>6</u> Exhibit C# <u>7</u> Exhibit D# <u>8</u> Exhibit E) (Cohen, Hamish) (Entered: 05/20/2005)
05/27/2005	● <u>26</u>	First MOTION to Dismiss for Lack of Jurisdiction by THE SHAW FAMILY ARCHIVES, Ltd.. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Text of Proposed Order)(Cohen, Hamish) (Entered: 05/27/2005)
05/27/2005	● <u>27</u>	BRIEF/MEMORANDUM in Support re <u>26</u> First MOTION to Dismiss for Lack of Jurisdiction <i>or in the Alternative, Transfer</i> filed by THE SHAW FAMILY ARCHIVES, Ltd.. (Attachments: # <u>1</u> Affidavit of Larry Shaw# <u>2</u> Affidavit of David Marcus# <u>3</u> Affidavit of Counsel)(Cohen,

		Hamish) (Entered: 05/27/2005)
06/03/2005	● <u>28</u>	NOTICE of Appearance by Eric M. Hylton on behalf of all plaintiffs (Hylton, Eric) (Entered: 06/03/2005)
06/07/2005	● <u>29</u>	AMENDED COMPLAINT against all defendants, filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit)(Polak, Jonathan) (Entered: 06/07/2005)
06/07/2005	● <u>30</u>	MOTION <i>To Set Briefing Schedule</i> by CMG WORLDWIDE, INC., MARILYN MONROE, LLC. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Text of Proposed Order (Proposed Order Granting Motion to Set Briefing Schedule))(Polak, Jonathan) (Entered: 06/07/2005)
06/08/2005		***MOTION(S) REFERRED to Magistrate Judge: <u>30</u> MOTION <i>To Set Briefing Schedule</i> . (LSC,) (Entered: 06/08/2005)
06/08/2005	● <u>31</u>	RESPONSE to Motion re <u>30</u> MOTION <i>To Set Briefing Schedule</i> filed by BRADFORD LICENSING ASSOCIATES. (Hinshaw, James) (Entered: 06/08/2005)
06/10/2005	● <u>32</u>	NOTICE of Filing MOTION TO CONSOLIDATE in Case No. 1:05-cv-0415-RLY-TAB, filed by all plaintiffs (Attachments: # <u>1</u> Exhibit A) (Polak, Jonathan) Modified on 6/13/2005 (LSC,). (Entered: 06/10/2005)
06/16/2005	● <u>33</u>	Unopposed MOTION for Leave to File <i>Second Amended Complaint and Add a Party to Action</i> by CMG WORLDWIDE, INC., MARILYN MONROE, LLC. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Text of Proposed Order)(Polak, Jonathan) (Entered: 06/16/2005)
06/17/2005		***MOTION(S) REFERRED to Magistrate Judge: <u>33</u> Unopposed MOTION for Leave to File <i>Second Amended Complaint and Add a Party to Action</i> . (LSC,) (Entered: 06/17/2005)
06/21/2005	● <u>34</u>	ORDER granting <u>33</u> unopposed motion for leave to file second amended complaint and add a party to action. Signed by Judge William T. Lawrence on 06/21/2005. c/m WTL (TMA,) (Entered: 06/21/2005)
06/21/2005	● <u>35</u>	AMENDED COMPLAINT against VALHALLA PRODUCTIONS, LLC, JAMES E. DOUGHERTY, BRADFORD LICENSING ASSOCIATES, THE SHAW FAMILY ARCHIVES, Ltd., filed by CMG WORLDWIDE, INC., MARILYN MONROE, LLC.(TMA,) (Entered: 06/21/2005)
06/28/2005	● <u>36</u>	NOTICE of Objection to Motion to Consolidate filed in case no. 1:05-cv-0415-RLY-TAB, filed by BRADFORD LICENSING ASSOCIATES and THE SHAW FAMILY ARCHIVES, Ltd. (Attachments: # <u>1</u> Exhibit) (Cohen, Hamish) Modified on 6/29/2005 (LSC,). (Entered: 06/28/2005)
06/29/2005	● <u>37</u>	ORDER denying as moot <u>30</u> plaintiffs' Motion to set briefing schedule. Signed by Judge William T. Lawrence on 06/29/2005. c/m WTL (TMA,) (Entered: 06/29/2005)
06/29/2005	● <u>38</u>	ENTRY - The Initial Pre-Trial Conference scheduled to take place on

		July 8, 2005 is hereby VACATED, to be reset at upon the earlier of a ruling on the Motion to Consolidate or the Motion to Dismiss. Signed by Judge William T. Lawrence on 06/29/2005. c/m WTL (TMA,) (Entered: 06/29/2005)
07/05/2005	● <u>39</u>	MOTION to Dismiss for Lack of Jurisdiction by BRADFORD LICENSING ASSOCIATES. (Cohen, Hamish) (Entered: 07/05/2005)
07/05/2005	● <u>40</u>	BRIEF/MEMORANDUM in Support re <u>39</u> MOTION to Dismiss for Lack of Jurisdiction filed by BRADFORD LICENSING ASSOCIATES. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit)(Cohen, Hamish) (Entered: 07/05/2005)
07/05/2005	● <u>41</u>	MOTION to Dismiss for Lack of Jurisdiction by THE SHAW FAMILY ARCHIVES, Ltd.. (Attachments: # <u>1</u> Text of Proposed Order)(Cohen, Hamish) (Entered: 07/05/2005)
07/05/2005	● <u>42</u>	BRIEF/MEMORANDUM in Support re <u>41</u> MOTION to Dismiss for Lack of Jurisdiction filed by THE SHAW FAMILY ARCHIVES, Ltd.. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit)(Cohen, Hamish) (Entered: 07/05/2005)
07/06/2005	● <u>43</u>	Submission of Order Granting Deft. Bradford's Motion to Dismiss as to Doc. No. 39 by BRADFORD LICENSING ASSOCIATES. (Cohen, Hamish) (Entered: 07/06/2005)
07/25/2005	● <u>44</u>	RESPONSE in Opposition re <u>41</u> MOTION to Dismiss for Lack of Jurisdiction (<i>PLAINTIFFS' RESPONSE TO DEFENDANT SHAW FAMILY ARCHIVES' 12(B)(2) MOTION TO DISMISS PLAINTIFFS' COMPLAINT FOR LACK OF PERSONAL JURISDICTION OR ALTERNATIVELY TO TRANSFER VENUE</i>) filed by CMG WORLDWIDE, INC., MARILYN MONROE, LLC. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit C1 to C13# <u>5</u> Exhibit D# <u>6</u> Exhibit E# <u>7</u> Exhibit F# <u>8</u> Exhibit G# <u>9</u> Exhibit H# <u>10</u> Exhibit I# <u>11</u> Exhibit I1 to I19# <u>12</u> Exhibit J# <u>13</u> Exhibit K)(Polak, Jonathan) (Entered: 07/25/2005)
07/25/2005	● <u>45</u>	RESPONSE in Opposition re <u>39</u> MOTION to Dismiss for Lack of Jurisdiction (<i>PLAINTIFFS' RESPONSE TO DEFENDANT BRADFORD LICENSING ASSOCIATES' 12(B)(2) MOTION TO DISMISS PLAINTIFFS' COMPLAINT FOR LACK OF PERSONAL JURISDICTION</i>) filed by CMG WORLDWIDE, INC., MARILYN MONROE, LLC. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit D1 to D19# <u>6</u> Exhibit E# <u>7</u> Exhibit F# <u>8</u> Exhibit G)(Polak, Jonathan) (Entered: 07/25/2005)
08/05/2005	● <u>46</u>	MOTION for Extension of Time to August 15, 2005 to file reply to <u>39</u> MOTION to Dismiss for Lack of Jurisdiction by BRADFORD LICENSING ASSOCIATES. (Attachments: # <u>1</u> Text of Proposed Order) (Cohen, Hamish) (Entered: 08/05/2005)
08/05/2005	● <u>47</u>	MOTION for Extension of Time to August 15, 2005 to file reply to <u>41</u>

		MOTION to Dismiss for Lack of Jurisdiction by THE SHAW FAMILY ARCHIVES, Ltd.. (Attachments: # <u>1</u> Text of Proposed Order)(Cohen, Hamish) (Entered: 08/05/2005)
08/08/2005	<u>50</u>	*** Per the attached Order from case no. 1:05-cv-0415-RLY-TAB, this case has been reassigned to Magistrate Judge Tim A. Baker for all discovery and pretrial matters. Magistrate Judge William T. Lawrence no longer assigned to case. Judge David F. Hamilton remains as the assigned District Judge. (CLL,) (Entered: 08/08/2005)
08/08/2005	● <u>48</u>	ORDER granting <u>47</u> Motion for Extension of Time to 8/15/2005 to File Reply to re <u>41</u> MOTION to Dismiss for Lack of Jurisdiction . Signed by Judge William T. Lawrence on 8/8/05. (JHO) (Entered: 08/08/2005)
08/08/2005	● <u>49</u>	ORDER granting <u>46</u> Motion for Extension of Time to 8/15/2005 to File Reply to re <u>39</u> MOTION to Dismiss for Lack of Jurisdiction . Signed by Judge William T. Lawrence on 8/8/05. (JHO) (Entered: 08/08/2005)
08/15/2005	● <u>51</u>	**PLEASE DISREGARD - DOCKETED IN ERROR** - REPLY in support of Motion re <u>41</u> MOTION to Dismiss for Lack of Jurisdiction filed by THE SHAW FAMILY ARCHIVES, Ltd. (Attachments: # <u>1</u> Exhibit A)(Cohen, Hamish) Modified on 8/15/2005 (ADR). Modified on 8/16/2005 (LSC,). (Entered: 08/15/2005)
08/15/2005	● <u>52</u>	**PLEASE DISREGARD - DOCKETED IN ERROR** - REPLY in support of Motion re <u>39</u> MOTION to Dismiss for Lack of Jurisdiction filed by BRADFORD LICENSING ASSOCIATES. (Cohen, Hamish) Modified on 8/15/2005 (ADR). Modified on 8/16/2005 (LSC,). (Entered: 08/15/2005)
08/15/2005	● <u>53</u>	REPLY in support of Motion re <u>41</u> MOTION to Dismiss for Lack of Jurisdiction filed by THE SHAW FAMILY ARCHIVES, Ltd.. (Attachments: # <u>1</u> Exhibit A)(Cohen, Hamish) (Entered: 08/15/2005)
08/15/2005	● <u>54</u>	REPLY in support of Motion re <u>39</u> MOTION to Dismiss for Lack of Jurisdiction filed by BRADFORD LICENSING ASSOCIATES. (Cohen, Hamish) (Entered: 08/15/2005)
10/07/2005	● <u>55</u>	NOTICE by BRADFORD LICENSING ASSOCIATES of <i>Joining in Defendant Shaw Family's Motion to Transfer</i> (Hinshaw, James) (Entered: 10/07/2005)
11/30/2005	● <u>56</u>	NOTICE of Order in Related Case, filed by CMG WORLDWIDE, INC. (Attachments: # <u>1</u> Exhibit A)(Polak, Jonathan) Modified on 12/1/2005 (LSC,). Modified on 12/1/2005 (LSC,). (Entered: 11/30/2005)
02/02/2006	● <u>57</u>	MOTION to Withdraw as Attorney by all plaintiffs. (Attachments: # <u>1</u> Text of Proposed Order)(Hylton, Eric) (Entered: 02/02/2006)
02/02/2006	● <u>58</u>	MOTION to Withdraw as Attorney (<i>James B. Chapman II</i>) by CMG WORLDWIDE, INC., MARILYN MONROE, LLC. (Attachments: # <u>1</u> Text of Proposed Order)(Chapman, James) (Entered: 02/02/2006)
02/03/2006	● <u>59</u>	ORDER granting atty Hylton's <u>57</u> Motion to Withdraw as Attorney on

		behalf of pltf's. Signed by Judge David Frank Hamilton on 2/3/2006. (LSC,) (Entered: 02/03/2006)
02/03/2006	● <u>60</u>	ORDER granting atty Chapman's <u>58</u> Motion to Withdraw as Attorney on behalf of pltf's. Signed by Judge David Frank Hamilton on 2/3/2006. (LSC,) (Entered: 02/03/2006)
02/03/2006		*** Attorneys James Braden Chapman, II and Eric M. Hylton terminated. (LSC,) (Entered: 02/03/2006)
03/23/2006	● <u>61</u>	CLOSED TRANSFER: The court transfers this matter pursuant to 28 U.S.C. 1404(a) to the Southern District of New York for all further proceedings. Deft SFA's <u>41</u> motion to dismiss or alternatively to transfer venue (joined also by deft Bradford in Docket No. <u>55</u>), is GRANTED as to SFA's arguments regarding the transfer of venue and DENIED as moot as to SFA's arguments regarding personal jurisdiction in Indiana. Defts' remaining motions to dismiss regarding personal jurisdiction in Indiana, Docket Nos. <u>24</u> , <u>26</u> , <u>39</u> , are also DENIED as moot. Signed by Judge David Frank Hamilton on 3/23/2006. (LSC,) (Entered: 03/23/2006)
03/28/2006	● <u>62</u>	Letter transferring case to USDC SOUTHERN DISTRICT OF NEW YORK. Return receipt acknowledgment requested. LAB (LSC,) (Entered: 03/28/2006)

Case#: 1:05-cv-00423-DFH-TAB